

§ 97.88 NO_x allowance allocations to opt-in units.

(a) *NO_x allotment allocation.* (1) By April 1 immediately before the first control period for which the NO_x Budget opt-in permit is effective, the Administrator will determine by order the NO_x allowance allocations for the NO_x Budget opt-in unit for the control period in accordance with paragraph (b) of this section.

(2) By no later than April 1, after the first control period for which the NO_x Budget opt-in permit is in effect, and April 1 of each year thereafter, the Administrator will determine by order the NO_x allowance allocations for the NO_x Budget opt-in unit for the next control period, in accordance with paragraph (b) of this section.

(3) The Administrator will make available to the public each determination of NO_x allowance allocations under paragraph (a)(1) or (2) of this section and will provide an opportunity for submission of objections to the determination. Objections shall be limited to addressing whether the determination is in accordance with paragraph (b) of this section. Based on any such objections, the Administrator will adjust each determination to the extent necessary to ensure that it is in accordance with paragraph (b) of this section.

(b) For each control period for which the NO_x Budget opt-in unit has an approved NO_x Budget opt-in permit, the NO_x Budget opt-in unit will be allocated NO_x allowances in accordance with the following procedures:

(1) The heat input (in mmBtu) used for calculating NO_x allowance allocations will be the lesser of:

(i) The unit's baseline heat input determined pursuant to § 97.84(c); or

(ii) The unit's heat input, as determined in accordance with subpart H of this part, for the control period in the year prior to the year of the control period for which the NO_x allocations are being calculated.

(2) The Administrator will allocate NO_x allowances to the unit in an amount equaling the heat input determined under paragraph (b)(1) of this section multiplied by the lesser of the unit's baseline NO_x emissions rate determined under § 97.84(c) or the most

stringent State or federal NO_x emissions limitation applicable to the unit during the control period, divided by 2,000 lb/ton, and rounded to the nearest whole number of NO_x allowances as appropriate.

Subpart J—Appeal Procedures**§ 97.90 Appeal procedures.**

The appeal procedures for the NO_x Budget Trading Program are set forth in part 78 of this chapter.

[69 FR 21648, Apr. 21, 2004]

Subpart AA—CAIR NO_x Annual Trading Program General Provisions**§ 97.101 Purpose.**

This subpart and subparts BB through II set forth the general provisions and the designated representative, permitting, allowance, monitoring, and opt-in provisions for the Federal Clean Air Interstate Rule (CAIR) NO_x Annual Trading Program, under section 110 of the Clean Air Act and § 52.35 of this chapter, as a means of mitigating interstate transport of fine particulates and nitrogen oxides.

§ 97.102 Definitions.

The terms used in this subpart and subparts BB through II shall have the meanings set forth in this section as follows:

Account number means the identification number given by the Administrator to each CAIR NO_x Allowance Tracking System account.

Acid Rain emissions limitation means a limitation on emissions of sulfur dioxide or nitrogen oxides under the Acid Rain Program.

Acid Rain Program means a multi-state sulfur dioxide and nitrogen oxides air pollution control and emission reduction program established by the Administrator under title IV of the CAA and parts 72 through 78 of this chapter.

Actual weighted average NO_x emission rate means, for a NO_x averaging plan under § 76.11 of this chapter and for a year:

(1) The sum of the products of the actual annual average NO_x emission rate